



EXHIBIT 3
American Civil Liberties Union
of Montana 2/9/07
SG3

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Testimony HB 563

Madame Chair, Members of the Committee-

My name is Scott Crichton, Executive Director of the American Civil Liberties Union of Montana—a membership based organization of 2,500 Montana households dedicated to defending the Constitution and the Bill of Rights.

I rise today to share concerns about HB 563. I appreciate the sponsor's concerns expressed in this bill and his openness to dialogue about ways the bill might be improved.

Since this bill expresses concerns about the victim, I think you should seriously consider the following:

1. Prophylaxis has to happen right away, waiting to test the suspect is meaningless.
2. If the suspect of the assault was just recently infected, that suspect would test negative to the HIV antibodies and be in the process of seroconverting.
3. Telling the victim that the suspect was negative would certainly be incorrect, and would then be providing a false assurance since a person is most infectious in that period post exposure before the immune system responds.
4. Individuals who are taking medications for HIV often test negative on an HIV test which looks for the presence of antibodies which are often suppressed.
5. What is important is that the victim be counseled in person immediately, offered prophylaxis, and informed of the need for testing right then, and then in three months and six months, or whatever the Center for Disease Controls recommends currently.

I also think as you deliberate you should consider this bill requires testing of anyone suspected of a crime that that may have caused exposure. As was the case with HB 263, the bill you unanimously rejected seeking to collect DNA samples from people accused but not convicted, some of those "suspected" may well not have committed the crime of which they are accused. Those people have privacy interests that need to be weighed here.

Thank you for your time and consideration.